

Union Calendar No. 48

105TH CONGRESS
1ST Session

H. R. 1275

[Report No. 105-65]

A BILL

To authorize appropriations for the National Aeronautics and Space Administration for fiscal years 1998 and 1999, and for other purposes.

APRIL 21, 1997

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

APRIL 10, 1997

Mr. ROHRBACHER introduced the following bill; which was referred to the Committee on Science

APRIL 21, 1997

Additional sponsors: Mr. BROWN of California, Mr. CRAMER, Mr. WELDON of Florida, Mr. TRAFICANT, Mr. FOLEY, Ms. JACKSON-LEE of Texas, Mr. PICKERING, Mr. CAPPS, Mr. LAMPSON, and Mr. BARTON of Texas

APRIL 21, 1997

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on April 10, 1997]

A BILL

To authorize appropriations for the National Aeronautics and Space Administration for fiscal years 1998 and 1999, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) *SHORT TITLE.*—*This Act may be cited as the “Ci-*
 5 *vilian Space Authorization Act, Fiscal Years 1998 and*
 6 *1999”.*

7 (b) *TABLE OF CONTENTS.*—

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Definitions.

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Subtitle B—Restructuring the National Aeronautics and Space Administration

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- Sec. 316. Next Generation Internet.*
- Sec. 317. Limitations.*
- Sec. 318. Notice.*
- Sec. 319. Sense of Congress on the Year 2000 problem.*
- Sec. 320. National Oceanographic Partnership Program.*
- Sec. 321. National Science Foundation Antarctic Program.*
- Sec. 322. Buy American.*

1 **SEC. 2. FINDINGS.**

2 *The Congress makes the following findings:*

3 *(1) The National Aeronautics and Space Admin-*
 4 *istration should aggressively pursue actions and re-*
 5 *forms directed at reducing institutional costs, includ-*
 6 *ing management restructuring, facility consolidation,*
 7 *procurement reform, personnel base downsizing, and*
 8 *convergence with other defense and commercial sector*
 9 *systems.*

10 *(2) The National Aeronautics and Space Admin-*
 11 *istration must reverse its current trend toward becom-*
 12 *ing an operational agency, and return to its proud*
 13 *history as the Nation's leader in basic scientific, air,*
 14 *and space research.*

1 (3) *The United States is on the verge of creating*
2 *and using new technologies in microsatellites, infor-*
3 *mation processing, and space launches that could*
4 *radically alter the manner in which the Federal Gov-*
5 *ernment approaches its space mission.*

6 (4) *The overwhelming preponderance of the Fed-*
7 *eral Government's requirements for routine, non-*
8 *emergency manned and unmanned space transpor-*
9 *tation can be met most effectively, efficiently, and eco-*
10 *nomically by a free and competitive market in pri-*
11 *vately developed and operated space transportation*
12 *services.*

13 (5) *In formulating a national space transpor-*
14 *tation service policy, the National Aeronautics and*
15 *Space Administration should aggressively promote the*
16 *pursuit by commercial providers of development of*
17 *advanced space transportation technologies including*
18 *reusable space vehicles, single-stage-to-orbit vehicles,*
19 *and human space systems.*

20 (6) *The Federal Government should invest in the*
21 *types of research and innovative technology in which*
22 *United States commercial providers do not invest,*
23 *while avoiding competition with the activities in*
24 *which United States commercial providers do invest.*

1 (7) *International cooperation in space explo-*
2 *ration and science activities serves the United States*
3 *national interest—*

4 (A) *when it—*

5 (i) *reduces the cost of undertaking mis-*
6 *sions the United States Government would*
7 *pursue unilaterally;*

8 (ii) *enables the United States to pursue*
9 *missions that it could not otherwise afford*
10 *to pursue unilaterally; or*

11 (iii) *enhances United States capabili-*
12 *ties to use and develop space for the benefit*
13 *of United States citizens; and*

14 (B) *when it does not—*

15 (i) *otherwise harm or interfere with the*
16 *ability of United States commercial provid-*
17 *ers to develop or explore space commer-*
18 *cially;*

19 (ii) *interfere with the ability of Fed-*
20 *eral agencies to use space to complete their*
21 *missions;*

22 (iii) *undermine the ability of United*
23 *States commercial providers to compete fa-*
24 *vorably with foreign entities in the commer-*
25 *cial space arena; or*

1 (iv) transfer sensitive or commercially
2 advantageous technologies or knowledge
3 from the United States to other countries or
4 foreign entities except as required by those
5 countries or entities to make their contribu-
6 tion to a multilateral space project in part-
7 nership with the United States, or on a
8 quid pro quo basis.

9 (8) The National Aeronautics and Space Admin-
10 istration and the Department of Defense can cooper-
11 ate more effectively in leveraging their mutual capa-
12 bilities to conduct joint space missions that improve
13 United States space capabilities and reduce the cost
14 of conducting space missions.

15 **SEC. 3. DEFINITIONS.**

16 For purposes of this Act—

17 (1) the term “Administrator” means the Admin-
18 istrator of the National Aeronautics and Space Ad-
19 ministration;

20 (2) the term “commercial provider” means any
21 person providing space transportation services or
22 other space-related activities, primary control of
23 which is held by persons other than Federal, State,
24 local, and foreign governments;

1 (3) the term “institution of higher education”
2 has the meaning given such term in section 1201(a)
3 of the Higher Education Act of 1965 (20 U.S.C.
4 1141(a));

5 (4) the term “State” means each of the several
6 States of the Union, the District of Columbia, the
7 Commonwealth of Puerto Rico, the Virgin Islands,
8 Guam, American Samoa, the Commonwealth of the
9 Northern Mariana Islands, and any other common-
10 wealth, territory, or possession of the United States;
11 and

12 (5) the term “United States commercial pro-
13 vider” means a commercial provider, organized under
14 the laws of the United States or of a State, which is—

15 (A) more than 50 percent owned by United
16 States nationals; or

17 (B) a subsidiary of a foreign company and
18 the Secretary of Transportation finds that—

19 (i) such subsidiary has in the past evi-
20 denced a substantial commitment to the
21 United States market through—

22 (I) investments in the United
23 States in long-term research, develop-
24 ment, and manufacturing (including

1 *the manufacture of major components*
2 *and subassemblies); and*

3 *(II) significant contributions to*
4 *employment in the United States; and*

5 *(ii) the country or countries in which*
6 *such foreign company is incorporated or or-*
7 *ganized, and, if appropriate, in which it*
8 *principally conducts its business, affords re-*
9 *ciprocal treatment to companies described*
10 *in subparagraph (A) comparable to that af-*
11 *forded to such foreign company's subsidiary*
12 *in the United States, as evidenced by—*

13 *(I) providing comparable oppor-*
14 *tunities for companies described in*
15 *subparagraph (A) to participate in*
16 *Government sponsored research and de-*
17 *velopment similar to that authorized*
18 *under this Act;*

19 *(II) providing no barriers to com-*
20 *panies described in subparagraph (A)*
21 *with respect to local investment oppor-*
22 *tunities that are not provided to for-*
23 *ign companies in the United States;*
24 *and*

1 (III) providing adequate and ef-
2 fective protection for the intellectual
3 property rights of companies described
4 in subparagraph (A).

5 **TITLE I—AUTHORIZATION OF**
6 **APPROPRIATIONS**
7 **Subtitle A—Authorizations**

8 **SEC. 101. HUMAN SPACE FLIGHT.**

9 There are authorized to be appropriated to the Na-
10 tional Aeronautics and Space Administration for Human
11 Space Flight the following amounts:

12 (1) For the Space Station—

13 (A) for fiscal year 1998, \$2,121,300,000, of
14 which \$400,500,000, notwithstanding section
15 121(a)—

16 (i) shall only be for Space Station re-
17 search or for the purposes described in sec-
18 tion 102(2); and

19 (ii) shall be administered by the Office
20 of Life and Microgravity Sciences and Ap-
21 plications; and

22 (B) for fiscal year 1999, \$2,109,200,000, of
23 which \$496,200,000, notwithstanding section
24 121(a)—

(i) shall only be for Space Station research or for the purposes described in section 102(2); and

(ii) shall be administered by the Office of Life and Microgravity Sciences and Applications.

(2) For Space Shuttle Operations—

(A) for fiscal year 1998, \$2,494,400,000;

and

(B) for fiscal year 1999, \$2,625,600,000.

(3) For Space Shuttle Safety and Performance Upgrades—

(A) for fiscal year 1998, \$483,400,000, including related Construction of Facilities for—

(i) Repair of Payload Changeout Room Wall in Ceiling, Pad A, Kennedy Space Center, \$2,200,000;

(ii) Restoration of Pad Surface and Slope, Kennedy Space Center, \$1,800,000; and

(iii) Rehabilitation of 480V Electrical Distribution System, Kennedy Space Center, \$2,800,000; and

(B) for fiscal year 1999, \$392,900,000.

(4) For Payload and Utilization Operations—

1 (A) for fiscal year 1998, \$247,400,000; and

2 (B) for fiscal year 1999, \$178,600,000.

3 **SEC. 102. SCIENCE, AERONAUTICS, AND TECHNOLOGY.**

4 *There are authorized to be appropriated to the Na-*
5 *tional Aeronautics and Space Administration for Science,*
6 *Aeronautics, and Technology the following amounts:*

7 (1) *For Space Science—*

8 (A) for fiscal year 1998, \$2,079,800,000, of
9 which—

10 (i) \$47,600,000 shall be for the Gravity
11 Probe B;

12 (ii) \$5,000,000 shall be for participa-
13 tion in Clementine 2 (Air Force Program
14 Element 0603401F “Advanced Spacecraft
15 Technology”);

16 (iii) \$3,400,000 shall be for the Near
17 Earth Object Survey;

18 (iv) \$529,400,000 shall be for Mission
19 Operations and Data Analysis, of which
20 \$150,000,000 shall be for data analysis; and

21 (v) \$5,000,000 shall be for the Solar B
22 program; and

23 (B) for fiscal year 1999, \$2,085,400,000, of
24 which—

1 (i) \$5,000,000 shall be for participa-
2 tion in Clementine 2 (Air Force Program
3 Element 0603401F “Advanced Spacecraft
4 Technology”);

5 (ii) \$3,400,000 shall be for the Near
6 Earth Object Survey;

7 (iii) \$561,100,000 shall be for Mission
8 Operations and Data Analysis, of which
9 \$184,400,000 shall be for data analysis; and

10 (iv) \$15,000,000 shall be for the Solar
11 B program.

12 (2) *For Life and Microgravity Sciences and Ap-*
13 *plications—*

14 (A) for fiscal year 1998, \$234,200,000, of
15 which—

16 (i) \$2,000,000 shall be for research and
17 early detection systems for breast and ovar-
18 ian cancer and other women’s health issues;
19 and

20 (ii) \$2,000,000, shall be for modifica-
21 tions for the installation of the Bio-Plex,
22 Johnson Space Center; and

23 (B) for fiscal year 1999, \$249,800,000, of
24 which \$2,000,000 shall be for research and early

1 *detection systems for breast and ovarian cancer*
2 *and other women's health issues.*

3 *(3) For Mission to Planet Earth, subject to the*
4 *limitations set forth in section 127—*

5 *(A) for fiscal year 1998, \$1,417,300,000, of*
6 *which—*

7 *(i) \$50,000,000 shall be for commercial*
8 *Earth science data purchases under section*
9 *308(a);*

10 *(ii) \$8,000,000 shall be for continuing*
11 *operations of the Midcourse Space Experi-*
12 *ment spacecraft constructed for the Ballistic*
13 *Missile Defense Organization, except that*
14 *such funds may not be obligated unless the*
15 *Administrator receives independent valida-*
16 *tion of the scientific requirements for Mid-*
17 *course Space Experiment data; and*

18 *(iii) \$10,000,000 shall be for the light-*
19 *ning mapper, except that such funds may*
20 *not be obligated unless the Administrator*
21 *receives independent validation of the sci-*
22 *entific requirements for lightning mapper*
23 *data; and*

24 *(B) for fiscal year 1999, \$1,446,300,000, of*
25 *which—*

1 (i) \$50,000,000 shall be for commercial
2 Earth science data purchases under section
3 308(a); and

4 (ii) \$10,000,000 shall be for the light-
5 ning mapper, except that such funds may
6 not be obligated unless the Administrator
7 receives independent validation of the sci-
8 entific requirements for lightning mapper
9 data.

10 (4) For Aeronautics and Space Transportation
11 Technology—

12 (A) for fiscal year 1998, \$1,769,500,000, of
13 which—

14 (i) \$915,100,000 shall be for Aero-
15 nautical Research and Technology, of which
16 not more than \$35,700,000 shall be for High
17 Performance Computing and Communica-
18 tions;

19 (ii) \$696,600,000 shall be for Advanced
20 Space Transportation Technology, includ-
21 ing—

22 (I) \$333,500,000, which shall only
23 be for the X-33 advanced technology
24 demonstration vehicle program, includ-
25 ing \$3,700,000 for rehabilitation and

1 *modification of the B2 test stand, Stennis Space Center;*

2 (II) *\$150,000,000, which shall*
3 *only be for a program of focused technology demonstrations to support the*
4 *competitive awarding of a contract to*
5 *develop, build, and flight test an experimental single-stage-to-orbit demonstration vehicle, which will be a*
6 *complementary follow-on to the X-33,*
7 *and which uses design concepts different from, and technologies more advanced than, the design concepts and*
8 *technologies used for the X-33 program; and*

9 (III) *\$150,000,000, which shall*
10 *only be for the procurement of an experimental vehicle described in sub-*
11 *clause (II), after the expiration of 30*
12 *days after the Administrator has*
13 *transmitted to the Committee on*
14 *Science of the House of Representatives*
15 *and the Committee on Commerce,*
16 *Science, and Transportation of the*
17 *Senate a written report including a*

1 *plan for the experimental vehicle pro-*
2 *gram and the projected costs thereof;*
3 *and*

4 *(iii) \$157,800,000 shall be for Com-*
5 *mmercial Technology, of which \$10,000,000*
6 *shall be for business facilitators, selected by*
7 *a National Aeronautics and Space Admin-*
8 *istration Center with an existing State*
9 *partnership for the purpose of developing*
10 *business facilitators, from among candidates*
11 *who receive at least 40 percent State match-*
12 *ing funds and who obtain significant par-*
13 *ticipation from local community colleges;*
14 *and*

15 *(B) for fiscal year 1999, \$1,816,400,000, of*
16 *which—*

17 *(i) \$832,400,000 shall be for Aero-*
18 *nautical Research and Technology;*

19 *(ii) \$818,600,000 shall be for Advanced*
20 *Space Transportation Technology, includ-*
21 *ing—*

22 *(I) \$313,900,000, which shall only*
23 *be for the X-33 advanced technology*
24 *demonstration vehicle program;*

1 (II) \$425,000,000, which shall
 2 only be for the procurement of an ex-
 3 perimental vehicle described in sub-
 4 paragraph (A)(ii)(II); and

5 (III) \$40,770,000, which shall
 6 only be for the Advanced Space Trans-
 7 portation program; and

8 (iii) \$165,400,000 shall be for Com-
 9 mercial Technology, of which \$10,000,000
 10 shall be for business facilitators, selected by
 11 a National Aeronautics and Space Admin-
 12 istration Center with an existing State
 13 partnership for the purpose of developing
 14 business facilitators, from among candidates
 15 who receive at least 40 percent State match-
 16 ing funds and who obtain significant par-
 17 ticipation from local community colleges.

18 (5) *For Mission Communication Services—*

19 (A) for fiscal year 1998, \$400,800,000; and

20 (B) for fiscal year 1999, \$436,100,000.

21 (6) *For Academic Programs—*

22 (A) for fiscal year 1998, \$102,200,000, of
 23 which—

1 (i) \$15,300,000 shall be for the Na-
 2 tional Space Grant College and Fellowship
 3 Program; and

4 (ii) \$46,700,000 shall be for minority
 5 university research and education, includ-
 6 ing \$31,300,000 for Historically Black Col-
 7 leges and Universities; and

8 (B) for fiscal year 1999, \$108,000,000, of
 9 which \$51,700,000 shall be for minority univer-
 10 sity research and education, including
 11 \$33,800,000 for Historically Black Colleges and
 12 Universities.

13 **SEC. 103. MISSION SUPPORT.**

14 There are authorized to be appropriated to the Na-
 15 tional Aeronautics and Space Administration for Mission
 16 Support the following amounts:

17 (1) For Safety, Reliability, and Quality Assur-
 18 ance—

19 (A) for fiscal year 1998, \$37,800,000; and

20 (B) for fiscal year 1999, \$43,000,000.

21 (2) For Space Communication Services—

22 (A) for fiscal year 1998, \$245,700,000; and

23 (B) for fiscal year 1999, \$204,400,000.

1 (3)(A) *For Construction of Facilities, including*
2 *land acquisition, for fiscal year 1998, \$159,400,000,*
3 *including the following:*

4 (i) *Modernization of Process Cooling Sys-*
5 *tem, Numerical Aerodynamic Simulation Facil-*
6 *ity, Ames Research Center, \$2,700,000.*

7 (ii) *Rehabilitation and Modification of*
8 *Hangar and Shop, Dryden Flight Research Cen-*
9 *ter, \$2,800,000.*

10 (iii) *Restoration of Chilled Water Distribu-*
11 *tion System, Goddard Space Flight Center,*
12 *\$2,400,000.*

13 (iv) *Restoration of Space/Terrestrial Appli-*
14 *cation Facility, Goddard Space Flight Center,*
15 *\$4,600,000.*

16 (v) *Construction of Emergency Services Fa-*
17 *cility, Jet Propulsion Laboratory, \$4,800,000.*

18 (vi) *Upgrade of Utility Annex Chilled*
19 *Water Plant, Kennedy Space Center, \$5,900,000.*

20 (vii) *Rehabilitation of High-Voltage System,*
21 *Lewis Research Center, \$9,400,000.*

22 (viii) *Modification of Chilled Water System,*
23 *Marshall Space Flight Center, \$7,000,000.*

1 *(ix) Minor Revitalization of Facilities at*
 2 *Various Locations, not in excess of \$1,500,000*
 3 *per project, \$65,700,000.*

4 *(x) Minor construction of new facilities and*
 5 *additions to existing facilities at various loca-*
 6 *tions, \$1,100,000.*

7 *(xi) Facility planning and design, not oth-*
 8 *erwise provided for, \$19,000,000.*

9 *(xii) Environmental compliance and res-*
 10 *toration, \$34,000,000.*

11 *(B) For Construction of Facilities, including*
 12 *land acquisition, for fiscal year 1999, \$188,900,000.*

13 *(4) For Research and Program Management, in-*
 14 *cluding personnel and related costs, travel, and re-*
 15 *search operations support—*

16 *(A) for fiscal year 1998, \$2,070,300,000;*
 17 *and*

18 *(B) for fiscal year 1999, \$2,022,600,000.*

19 **SEC. 104. INSPECTOR GENERAL.**

20 *There are authorized to be appropriated to the Na-*
 21 *tional Aeronautics and Space Administration for Inspector*
 22 *General—*

23 *(1) for fiscal year 1998, \$18,300,000; and*

24 *(2) for fiscal year 1999, \$18,600,000.*

1 **SEC. 105. TOTAL AUTHORIZATION.**

2 *Notwithstanding any other provision of this title, the*
 3 *total amount authorized to be appropriated to the National*
 4 *Aeronautics and Space Administration under this Act shall*
 5 *not exceed—*

6 *(1) for fiscal year 1998, \$13,881,800,000; and*

7 *(2) for fiscal year 1999, \$13,925,800,000.*

8 **SEC. 106. OFFICE OF COMMERCIAL SPACE TRANSPOR-**
 9 **TATION AUTHORIZATION.**

10 *There are authorized to be appropriated to the Sec-*
 11 *retary of Transportation for the activities of the Office of*
 12 *Commercial Space Transportation—*

13 *(1) for fiscal year 1998, \$6,000,000; and*

14 *(2) for fiscal year 1999, \$6,000,000.*

15 **SEC. 107. OFFICE OF SPACE COMMERCE.**

16 *There are authorized to be appropriated to the Sec-*
 17 *retary of Commerce for the activities of the Office of Space*
 18 *Commerce established by section 303 of this Act—*

19 *(1) for fiscal year 1998, \$500,000; and*

20 *(2) for fiscal year 1999, \$500,000.*

21 **SEC. 108. UNITED STATES-MEXICO FOUNDATION FOR**
 22 **SCIENCE.**

23 *There are authorized to be appropriated to the Na-*
 24 *tional Aeronautics and Space Administration for the Unit-*
 25 *ed States-Mexico Foundation for Science—*

26 *(1) \$1,000,000 for fiscal year 1998; and*

1 (2) \$1,000,000 for fiscal year 1999.

2 ***Subtitle B—Restructuring the Na-***
3 ***tional Aeronautics and Space***
4 ***Administration***

5 **SEC. 111. FINDINGS.**

6 *The Congress finds that—*

7 (1) *the restructuring of the National Aeronautics*
8 *and Space Administration is essential to accomplish-*
9 *ing the space missions of the United States while si-*
10 *multaneously balancing the Federal budget;*

11 (2) *to restructure the National Aeronautics and*
12 *Space Administration rapidly without reducing mis-*
13 *sion content and safety requires objective financial*
14 *judgment; and*

15 (3) *a formal economic review of its missions and*
16 *the Federal assets that support them is required in*
17 *order to plan and implement needed restructuring of*
18 *the National Aeronautics and Space Administration.*

19 **SEC. 112. RESTRUCTURING REPORTS.**

20 (a) **IMPLEMENTATION REPORT.**—*The Administrator*
21 *shall transmit to Congress, no later than 90 days after the*
22 *date of the enactment of this Act, a report—*

23 (1) *describing its restructuring activities by fis-*
24 *cal year, including, at a minimum, a description of*
25 *all actions taken or planned to be taken after July 31,*

1 1995, and before October 1, 2002, including contracts
 2 terminated or consolidated; reductions in force; relo-
 3 cations of personnel and facilities; sales, closures, or
 4 mothballing of capital assets or facilities; and net sav-
 5 ings to be realized from such actions by fiscal year;
 6 and

7 (2) describing the status of the implementation of
 8 recommendations resulting from the Zero Base Re-
 9 view, particularly with respect to the designation of
 10 lead Centers and any increases and decreases in the
 11 roles and responsibilities of all Centers.

12 (b) *PROPOSED LEGISLATION.*—The President shall
 13 propose to Congress, not later than 180 days after the date
 14 of the enactment of this Act, all enabling legislation re-
 15 quired to carry out actions described by the Administrator’s
 16 report under subsection (a).

17 ***Subtitle C—Limitations and*** 18 ***Special Authority***

19 ***SEC. 121. USE OF FUNDS FOR CONSTRUCTION.***

20 (a) *AUTHORIZED USES.*—Funds appropriated under
 21 sections 101 (1) through (4), 102, and 103 (1) and (2), and
 22 funds appropriated for research operations support under
 23 section 103(4), may be used for the construction of new fa-
 24 cilities and additions to, repair of, rehabilitation of, or

1 *modification of existing facilities at any location in support*
2 *of the purposes for which such funds are authorized.*

3 (b) *LIMITATION.*—*No funds may be expended pursuant*
4 *to subsection (a) for a project, the estimated cost of which*
5 *to the National Aeronautics and Space Administration, in-*
6 *cluding collateral equipment, exceeds \$500,000, until 30*
7 *days have passed after the Administrator has notified the*
8 *Committee on Science of the House of Representatives and*
9 *the Committee on Commerce, Science, and Transportation*
10 *of the Senate of the nature, location, and estimated cost to*
11 *the National Aeronautics and Space Administration of such*
12 *project.*

13 (c) *TITLE TO FACILITIES.*—*If funds are used pursuant*
14 *to subsection (a) for grants to institutions of higher edu-*
15 *cation, or to nonprofit organizations whose primary pur-*
16 *pose is the conduct of scientific research, for purchase or*
17 *construction of additional research facilities, title to such*
18 *facilities shall be vested in the United States unless the Ad-*
19 *ministrator determines that the national program of aero-*
20 *nautical and space activities will best be served by vesting*
21 *title in the grantee institution or organization. Each such*
22 *grant shall be made under such conditions as the Adminis-*
23 *trator shall determine to be required to ensure that the*
24 *United States will receive therefrom benefits adequate to*
25 *justify the making of that grant.*

1 **SEC. 122. AVAILABILITY OF APPROPRIATED AMOUNTS.**

2 *To the extent provided in appropriations Acts, appro-*
 3 *priations authorized under subtitle A may remain available*
 4 *without fiscal year limitation.*

5 **SEC. 123. REPROGRAMMING FOR CONSTRUCTION OF FA-**
 6 **CILITIES.**

7 *(a) IN GENERAL.—Appropriations authorized for con-*
 8 *struction of facilities under section 101(3)(A) (i) through*
 9 *(iii), 102 (2)(A)(ii) and (4)(A)(ii)(I), or 103(3)—*

10 *(1) may be varied upward by 10 percent in the*
 11 *discretion of the Administrator; or*

12 *(2) may be varied upward by 25 percent, to meet*
 13 *unusual cost variations, after the expiration of 15*
 14 *days following a report on the circumstances of such*
 15 *action by the Administrator to the Committee on*
 16 *Science of the House of Representatives and the Com-*
 17 *mittee on Commerce, Science, and Transportation of*
 18 *the Senate.*

19 *The aggregate amount authorized to be appropriated for*
 20 *construction of facilities under sections 101(3)(A) (i)*
 21 *through (iii), 102 (2)(A)(ii) and (4)(A)(ii)(I), and 103(3)*
 22 *shall not be increased as a result of actions authorized*
 23 *under paragraphs (1) and (2) of this subsection.*

24 *(b) SPECIAL RULE.—Where the Administrator deter-*
 25 *mines that new developments in the national program of*
 26 *aeronautical and space activities have occurred; and that*

1 *such developments require the use of additional funds for*
 2 *the purposes of construction, expansion, or modification of*
 3 *facilities at any location; and that deferral of such action*
 4 *until the enactment of the next National Aeronautics and*
 5 *Space Administration authorization Act would be incon-*
 6 *sistent with the interest of the Nation in aeronautical and*
 7 *space activities, the Administrator may use up to*
 8 *\$10,000,000 of the amounts authorized under sections*
 9 *101(3)(A) (i) through (iii), 102 (2)(A)(ii) and (4)(A)(ii)(I),*
 10 *and 103(3) for each fiscal year for such purposes. No such*
 11 *funds may be obligated until a period of 30 days has passed*
 12 *after the Administrator has transmitted to the Committee*
 13 *on Commerce, Science, and Transportation of the Senate*
 14 *and the Committee on Science of the House of Representa-*
 15 *tives a written report describing the nature of the construc-*
 16 *tion, its costs, and the reasons therefor.*

17 **SEC. 124. CONSIDERATION BY COMMITTEES.**

18 *Notwithstanding any other provision of law—*

19 *(1) no amount appropriated to the National Aer-*
 20 *onautics and Space Administration may be used for*
 21 *any program for which the President's annual budget*
 22 *request included a request for funding, but for which*
 23 *the Congress denied or did not provide funding;*

24 *(2) no amount appropriated to the National Aer-*
 25 *onautics and Space Administration may be used for*

1 any program in excess of the amount actually author-
2 ized for the particular program under this title; and
3 (3) no amount appropriated to the National Aer-
4 onautics and Space Administration may be used for
5 any program which has not been presented to the
6 Congress in the President's annual budget request or
7 the supporting and ancillary documents thereto,
8 unless a period of 30 days has passed after the receipt by
9 the Committee on Science of the House of Representatives
10 and the Committee on Commerce, Science, and Transpor-
11 tation of the Senate of notice given by the Administrator
12 containing a full and complete statement of the action pro-
13 posed to be taken and the facts and circumstances relied
14 upon in support of such proposed action. The National Aer-
15 onautics and Space Administration shall keep the Commit-
16 tee on Science of the House of Representatives and the Com-
17 mittee on Commerce, Science, and Transportation of the
18 Senate fully and currently informed with respect to all ac-
19 tivities and responsibilities within the jurisdiction of those
20 committees. Except as otherwise provided by law, any Fed-
21 eral department, agency, or independent establishment shall
22 furnish any information requested by either committee re-
23 lating to any such activity or responsibility.

1 **SEC. 125. LIMITATION ON OBLIGATION OF UNAUTHORIZED**
2 **APPROPRIATIONS.**

3 (a) *REPORTS TO CONGRESS.*—

4 (1) *REQUIREMENT.*—*Not later than—*

5 (A) *30 days after the later of the date of the*
6 *enactment of an Act making appropriations to*
7 *the National Aeronautics and Space Administra-*
8 *tion for fiscal year 1998 and the date of the en-*
9 *actment of this Act; and*

10 (B) *30 days after the date of the enactment*
11 *of an Act making appropriations to the National*
12 *Aeronautics and Space Administration for fiscal*
13 *year 1999,*
14 *the Administrator shall submit a report to Congress*
15 *and to the Comptroller General.*

16 (2) *CONTENTS.*—*The reports required by para-*
17 *graph (1) shall specify—*

18 (A) *the portion of such appropriations*
19 *which are for programs, projects, or activities*
20 *not authorized under subtitle A of this title, or*
21 *which are in excess of amounts authorized for the*
22 *relevant program, project, or activity under this*
23 *Act; and*

24 (B) *the portion of such appropriations*
25 *which are authorized under this Act.*

1 (b) *FEDERAL REGISTER NOTICE.*—*The Administrator*
2 *shall, coincident with the submission of each report required*
3 *by subsection (a), publish in the Federal Register a notice*
4 *of all programs, projects, or activities for which funds are*
5 *appropriated but which were not authorized under this Act,*
6 *and solicit public comment thereon regarding the impact*
7 *of such programs, projects, or activities on the conduct and*
8 *effectiveness of the national aeronautics and space program.*

9 (c) *LIMITATION.*—*Notwithstanding any other provi-*
10 *sion of law, no funds may be obligated for any programs,*
11 *projects, or activities of the National Aeronautics and Space*
12 *Administration for fiscal year 1998 or 1999 not authorized*
13 *under this Act until 30 days have passed after the close*
14 *of the public comment period contained in a notice required*
15 *by subsection (b).*

16 **SEC. 126. USE OF FUNDS FOR SCIENTIFIC CONSULTATIONS**
17 **OR EXTRAORDINARY EXPENSES.**

18 *Not more than \$30,000 of the funds appropriated*
19 *under section 102 may be used for scientific consultations*
20 *or extraordinary expenses, upon the authority of the Ad-*
21 *ministrator.*

22 **SEC. 127. MISSION TO PLANET EARTH LIMITATION.**

23 *No funds appropriated pursuant to this Act shall be*
24 *used for Earth System Science Pathfinders for a fiscal year*
25 *unless the Administrator has certified to the Committee on*

1 *Science of the House of Representatives and the Committee*
 2 *on Commerce, Science, and Transportation of the Senate*
 3 *that at least \$50,000,000 are available for that fiscal year*
 4 *for obligations by the Commercial Remote Sensing Program*
 5 *at Stennis Space Center for commercial data purchases*
 6 *under section 308(a). No funds appropriated pursuant to*
 7 *section 102(3) shall—*

8 (1) *be transferred to any museum; or*

9 (2) *be used for the United States Man and the*
 10 *Biosphere Program, or related projects.*

11 **SEC. 128. SPACE OPERATIONS.**

12 *No funds appropriated pursuant to this Act shall be*
 13 *used for Phase Two of the Consolidated Space Operations*
 14 *Contract until a period of 30 days has passed after the Ad-*
 15 *ministrators has transmitted to the Committee on Science*
 16 *of the House of Representatives and the Committee on Com-*
 17 *merce, Science, and Transportation of the Senate a written*
 18 *report which—*

19 (1) *compares the cost-effectiveness of the single*
 20 *cost-plus contract approach of the Consolidated Space*
 21 *Operations Contract and a multiple fixed-price con-*
 22 *tracts approach;*

23 (2) *analyzes the differences in the competition*
 24 *generated through the bidding process used for the*

1 *Consolidated Space Operations Contract as opposed*
 2 *to multiple fixed-price contracts; and*

3 *(3) describes how the Consolidated Space Oper-*
 4 *ations Contract can be transformed into fixed-price*
 5 *contracts, and whether the National Aeronautics and*
 6 *Space Administration intends to make such a transi-*
 7 *tion.*

8 **SEC. 129. INTERNATIONAL SPACE UNIVERSITY LIMITATION.**

9 *No funds appropriated pursuant to this Act shall be*
 10 *used to pay the tuition or living expenses of any National*
 11 *Aeronautics and Space Administration employee attending*
 12 *the International Space University.*

13 **SEC. 130. SPACE STATION PROGRAM RESPONSIBILITIES**
 14 **TRANSFER LIMITATION.**

15 *No funds appropriated pursuant to this Act shall be*
 16 *used to transfer any Space Station program responsibilities*
 17 *in effect at any National Aeronautics and Space Adminis-*
 18 *tration Center as of October 1, 1996.*

19 **TITLE II—INTERNATIONAL**
 20 **SPACE STATION**

21 **SEC. 201. FINDINGS.**

22 *The Congress finds that—*

23 *(1) the development, assembly, and operation of*
 24 *the International Space Station is in the national in-*
 25 *terest of the United States;*

1 (2) *the significant involvement by commercial*
2 *providers in marketing and using, competitively serv-*
3 *icing, and commercially augmenting the operational*
4 *capabilities of the International Space Station during*
5 *its assembly and operational phases will lower costs*
6 *and increase benefits to the international partners;*
7 *and*

8 (3) *when completed, the International Space*
9 *Station will be the largest, most capable microgravity*
10 *research facility ever developed. It will provide a last-*
11 *ing framework for conducting large-scale science pro-*
12 *grams with international partners and it is the next*
13 *step in the human exploration of space. The United*
14 *States should commit to completing this program,*
15 *thereby reaping the benefits of scientific research and*
16 *international cooperation.*

17 **SEC. 202. COMMERCIALIZATION OF SPACE STATION.**

18 (a) *POLICY.—The Congress declares that a priority*
19 *goal of constructing the International Space Station is the*
20 *economic development of Earth orbital space. The Congress*
21 *further declares that free and competitive markets create the*
22 *most efficient conditions for promoting economic develop-*
23 *ment, and should therefore govern the economic development*
24 *of Earth orbital space. The Congress further declares that*
25 *the use of free market principles in operating, servicing,*

1 *allocating the use of, and adding capabilities to the Space*
2 *Station, and the resulting fullest possible engagement of*
3 *commercial providers and participation of commercial*
4 *users, will reduce Space Station operational costs for all*
5 *partners and the Federal Government's share of the United*
6 *States burden to fund operations.*

7 **(b) REPORTS.**—(1) *The Administrator shall deliver to*
8 *the Committee on Science of the House of Representatives*
9 *and the Committee on Commerce, Science, and Transpor-*
10 *tation of the Senate, within 90 days after the date of the*
11 *enactment of this Act, a study that identifies and exam-*
12 *ines—*

13 **(A)** *the opportunities for commercial providers to*
14 *play a role in International Space Station activities,*
15 *including operation, use, servicing, and augmenta-*
16 *tion;*

17 **(B)** *the potential cost savings to be derived from*
18 *commercial providers playing a role in each of these*
19 *activities;*

20 **(C)** *which of the opportunities described in sub-*
21 *paragraph (A) the Administrator plans to make*
22 *available to commercial providers in fiscal year 1998*
23 *and 1999;*

1 (D) the specific policies and initiatives the Ad-
2 ministrator is advancing to encourage and facilitate
3 these commercial opportunities; and

4 (E) the revenues and cost reimbursements to the
5 Federal Government from commercial users of the
6 Space Station.

7 (2) The Administrator shall deliver to the Committee
8 on Science of the House of Representatives and the Commit-
9 tee on Commerce, Science, and Transportation of the Sen-
10 ate, within 180 days after the date of the enactment of this
11 Act, an independently-conducted market study that exam-
12 ines and evaluates potential industry interest in providing
13 commercial goods and services for the operation, servicing,
14 and augmentation of the International Space Station, and
15 in the commercial use of the International Space Station.
16 This study shall also include updates to the cost savings
17 and revenue estimates made in the study described in para-
18 graph (1) based on the external market assessment.

19 (3) The Administrator shall deliver to the Congress,
20 no later than the submission of the President's annual budg-
21 et request for fiscal year 1999, a report detailing how many
22 proposals (whether solicited or not) the National Aero-
23 nautics and Space Administration received during cal-
24 endar year 1997 regarding commercial operation, servicing,
25 utilization, or augmentation of the International Space

1 *Station, broken down by each of these four categories, and*
 2 *specifying how many agreements the National Aeronautics*
 3 *and Space Administration has entered into in response to*
 4 *these proposals, also broken down by these four categories.*

5 **SEC. 203. SPACE STATION ACCOUNTING REPORTS.**

6 *(a) INITIAL REPORT.—Not later than 90 days after the*
 7 *date of the enactment of this Act, the Administrator shall*
 8 *transmit to the Congress a report containing a description*
 9 *of all Space Station-related agreements entered into by the*
 10 *United States with a foreign entity after September 30,*
 11 *1993, along with—*

12 *(1) a complete accounting of all costs to the*
 13 *United States incurred during fiscal years 1994*
 14 *through 1996 pursuant to each such agreement; and*

15 *(2) an estimate of future costs to the United*
 16 *States pursuant to each such agreement.*

17 *(b) ANNUAL REPORTS.—Not later than 60 days after*
 18 *the end of each fiscal year beginning with fiscal year 1997,*
 19 *the Administrator shall transmit to the Congress a report*
 20 *containing a description of all Space Station-related agree-*
 21 *ments entered into by the United States with a foreign en-*
 22 *tity during the preceding fiscal year, along with—*

23 *(1) a complete accounting of all costs to the*
 24 *United States incurred during that fiscal year pursu-*
 25 *ant to each such agreement; and*

1 (2) *an estimate of future costs to the United*
2 *States pursuant to each such agreement.*

3 **SEC. 204. REPORT ON INTERNATIONAL HARDWARE AGREE-**
4 **MENTS.**

5 *Not later than 90 days after the date of the enactment*
6 *of this Act, the Administrator shall transmit to the Commit-*
7 *tee on Science of the House of Representatives and the Com-*
8 *mittee on Commerce, Science, and Transportation of the*
9 *Senate a report on—*

10 (1) *agreements that have been reached with for-*
11 *ign entities to transfer to a foreign entity the devel-*
12 *opment and manufacture of International Space Sta-*
13 *tion hardware baselined to be provided by the United*
14 *States; and*

15 (2) *the impact of those agreements on United*
16 *States operating costs and United States utilization*
17 *shares of the International Space Station.*

18 *At least 90 days before entering into any additional agree-*
19 *ments of the type described in paragraph (1), the Adminis-*
20 *trator shall report to the Committee on Science of the House*
21 *of Representatives and the Committee on Commerce,*
22 *Science, and Transportation of the Senate the nature of the*
23 *proposed agreement and the anticipated cost, schedule, com-*
24 *mercial, and utilization impacts of the proposed agreement.*

1 **SEC. 205. INTERNATIONAL SPACE STATION LIMITATIONS.**

2 (a) *TRANSFER OF FUNDS TO RUSSIA.*—No funds or
3 *in-kind payments shall be transferred to any entity of the*
4 *Russian Government or any Russian contractor to perform*
5 *work on the International Space Station which the Russian*
6 *Government pledged, at any time, to provide at its expense.*
7 *This section shall not apply to the purchase or modification*
8 *of the Russian built, United States owned Functional Cargo*
9 *Block, known as the “FGB”.*

10 (b) *CONTINGENCY PLAN FOR RUSSIAN ELEMENTS IN*
11 *CRITICAL PATH.*—*The Administrator shall develop and de-*
12 *liver to Congress, within 30 days after the date of the enact-*
13 *ment of this Act, a contingency plan for the removal or*
14 *replacement of each Russian Government element of the*
15 *International Space Station that lies in the Station’s criti-*
16 *cal path. Such plan shall include—*

17 (1) *decision points for removing or replacing*
18 *those elements if the International Space Station is to*
19 *be completed by the end of the calendar year 2002;*

20 (2) *the cost of implementing each such decision;*
21 *and*

22 (3) *the cost of removing or replacing a Russian*
23 *Government critical path element after its decision*
24 *point has passed, if—*

1 (A) the decision at that point was not to re-
2 move or replace the Russian Government ele-
3 ment; and

4 (B) the National Aeronautics and Space
5 Administration later determines that the Rus-
6 sian Government will be unable to provide the
7 critical path element in a manner to allow com-
8 pletion of the International Space Station by the
9 end of calendar year 2002.

10 (c) MONTHLY CERTIFICATION ON RUSSIAN STATUS.—
11 The Administrator shall certify to the Congress on the first
12 day of each month whether or not the Russians have per-
13 formed work expected of them and necessary to complete the
14 International Space Station by the end of calendar year
15 2002. Such certification shall also include a statement of
16 the Administrator's judgment concerning Russia's ability
17 to perform work anticipated and required to complete the
18 International Space Station by the end of 2002 before the
19 next certification under this subsection. Each certification
20 under this subsection shall include a judgment that the first
21 element launch will or will not take place by October 31,
22 1998.

23 (d) DECISION ON RUSSIAN CRITICAL PATH ITEMS.—
24 The President shall provide to Congress a decision, by Au-
25 gust 1, 1997, on whether or not to proceed with permanent

1 replacement of the Service Module, and each other Russian
2 element in the critical path for completing the International
3 Space Station by the end of calendar year 2002. The Presi-
4 dent shall certify to Congress the reasons and justification
5 for the decision and the costs associated with the decision.
6 Such decision shall include a judgment that the first ele-
7 ment launch will or will not take place by October 31, 1998,
8 and that the stage of assembly complete will or will not
9 take place by December 31, 2002. If the President decides,
10 after August 1, 1997, to proceed with a permanent replace-
11 ment of the Service Module or any other Russian element
12 in the critical path, the President shall certify to Congress
13 the reasons and justification for the decision to proceed with
14 permanent replacement, and the costs associated with that
15 decision, including the cost difference between making such
16 decision by August 1, 1997, and any later date at which
17 it is made. Such certification shall include a description
18 of the costs of removing or replacing each critical path item,
19 and the schedule for completing the International Space
20 Station by the end of calendar year 2002.

21 (e) *ASTRONAUTS ON MIR.*—The National Aeronautics
22 and Space Administration shall not place another United
23 States astronaut on board the Mir Space Station, without
24 the Space Shuttle attached to Mir, until the Administrator
25 certifies to Congress that the Mir Space Station meets or

1 *exceeds United States safety standards. Such certification*
 2 *shall be based on an independent review of the safety of*
 3 *the Mir Space Station.*

4 ***TITLE III—MISCELLANEOUS***
 5 ***PROVISIONS***

6 ***SEC. 301. COMMERCIAL SPACE LAUNCH AMENDMENTS.***

7 (a) *AMENDMENTS.—Chapter 701 of title 49, United*
 8 *States Code, is amended—*

9 (1) *in the table of sections—*

10 (A) *by amending the item relating to sec-*
 11 *tion 70104 to read as follows:*

“70104. Restrictions on launches, operations, and reentries.”;

12 (B) *by amending the item relating to sec-*
 13 *tion 70108 to read as follows:*

“70108. Prohibition, suspension, and end of launches, operation of launch sites
and reentry sites, and reentries.”;

14 *and*

15 (C) *by amending the item relating to sec-*
 16 *tion 70109 to read as follows:*

“70109. Preemption of scheduled launches or reentries.”;

17 (2) *in section 70101—*

18 (A) *by inserting “microgravity research,”*
 19 *after “information services,” in subsection (a)(3);*

20 (B) *by inserting “, reentry,” after “launch-*
 21 *ing” both places it appears in subsection (a)(4);*

1 (C) by inserting “, reentry vehicles,” after
2 “launch vehicles” in subsection (a)(5);

3 (D) by inserting “and reentry services”
4 after “launch services” in subsection (a)(6);

5 (E) by inserting “, reentries,” after
6 “launches” both places it appears in subsection
7 (a)(7);

8 (F) by inserting “, reentry sites,” after
9 “launch sites” in subsection (a)(8);

10 (G) by inserting “and reentry services”
11 after “launch services” in subsection (a)(8);

12 (H) by inserting “reentry sites,” after
13 “launch sites,” in subsection (a)(9);

14 (I) by inserting “and reentry site” after
15 “launch site” in subsection (a)(9);

16 (J) by inserting “, reentry vehicles,” after
17 “launch vehicles” in subsection (b)(2);

18 (K) by striking “launch” in subsection
19 (b)(2)(A);

20 (L) by inserting “and reentry” after “com-
21 mercial launch” in subsection (b)(3);

22 (M) by striking “launch” after “and trans-
23 fer commercial” in subsection (b)(3); and

1 (N) by inserting “and development of re-
2 entry sites,” after “launch-site support facili-
3 ties,” in subsection (b)(4);

4 (3) in section 70102—

5 (A) by striking “and any payload” and in-
6 serting in lieu thereof “or reentry vehicle and
7 any payload from Earth” in paragraph (3);

8 (B) by inserting “or reentry vehicle” after
9 “means of a launch vehicle” in paragraph (8);

10 (C) by redesignating paragraphs (10)
11 through (12) as paragraphs (14) through (16),
12 respectively;

13 (D) by inserting after paragraph (9) the fol-
14 lowing new paragraphs:

15 “(10) ‘reenter’ and ‘reentry’ mean to return or
16 attempt to return, purposefully, a reentry vehicle and
17 its payload, if any, from Earth orbit or from outer
18 space to Earth.

19 “(11) ‘reentry services’ means—

20 “(A) activities involved in the preparation
21 of a reentry vehicle and its payload, if any, for
22 reentry; and

23 “(B) the conduct of a reentry.

24 “(12) ‘reentry site’ means the location on Earth
25 to which a reentry vehicle is intended to return (as

1 *defined in a license the Secretary issues or transfers*
 2 *under this chapter).*

3 “(13) ‘reentry vehicle’ means a vehicle designed
 4 *to return from Earth orbit or outer space to Earth,*
 5 *or a reusable launch vehicle designed to return from*
 6 *outer space substantially intact.”; and*

7 (E) by inserting “or reentry services” after
 8 “launch services” each place it appears in para-
 9 graph (15), as so redesignated by subparagraph
 10 (C) of this paragraph;
 11 (4) in section 70103(b)—

12 (A) by inserting “AND REENTRIES” after
 13 “LAUNCHES” in the subsection heading;

14 (B) by inserting “and reentries” after
 15 “space launches” in paragraph (1); and

16 (C) by inserting “and reentry” after “space
 17 launch” in paragraph (2);

18 (5) in section 70104—

19 (A) by amending the section designation
 20 and heading to read as follows:

21 **“§ 70104. Restrictions on launches, operations, and re-**
 22 **entries”;**

23 (B) by inserting “or reentry site, or to reen-
 24 ter a reentry vehicle,” after “operate a launch
 25 site” each place it appears in subsection (a);

1 by inserting “or reentry” after “launch or
2 operation” in subsection (a) (3) and (4);

3 (D) in subsection (b)—

4 (i) by striking “launch license” and
5 inserting in lieu thereof “license”;

6 (ii) by inserting “or reenter” after
7 “may launch”; and

8 (iii) by inserting “or reentering” after
9 “related to launching”; and

10 (E) in subsection (c)—

11 (i) by amending the subsection heading
12 to read as follows: “*PREVENTING LAUNCHES*
13 *AND REENTRIES.—*”;

14 (ii) by inserting “or reentry” after
15 “prevent the launch”; and

16 (iii) by inserting “or reentry” after
17 “decides the launch”;

18 (6) in section 70105—

19 (A) by inserting “or a reentry site, or the
20 reentry of a reentry vehicle,” after “operation of
21 a launch site” in subsection (b)(1); and

22 (B) by striking “or operation” and insert-
23 ing in lieu thereof “, operation, or reentry” in
24 subsection (b)(2)(A);

25 (7) in section 70106(a)—

1 (A) by inserting “or reentry site” after “ob-
2 server at a launch site”;

3 (B) by inserting “or reentry vehicle” after
4 “assemble a launch vehicle”; and

5 (C) by inserting “or reentry vehicle” after
6 “with a launch vehicle”;

7 (8) in section 70108—

8 (A) by amending the section designation
9 and heading to read as follows:

10 **“§ 70108. Prohibition, suspension, and end of**
11 **launches, operation of launch sites and**
12 **reentry sites, and reentries”;**

13 and

14 (B) in subsection (a)—

15 (i) by inserting “or reentry site, or re-
16 entry of a reentry vehicle,” after “operation
17 of a launch site”; and

18 (ii) by inserting “or reentry” after
19 “launch or operation”;

20 (9) in section 70109—

21 (A) by amending the section designation
22 and heading to read as follows:

23 **“§ 70109. Preemption of scheduled launches or reen-**
24 **tries”;**

25 (B) in subsection (a)—

1 (i) by inserting “or reentry” after “en-
2 sure that a launch”;

3 (ii) by inserting “, reentry site,” after
4 “United States Government launch site”;

5 (iii) by inserting “or reentry date com-
6 mitment” after “launch date commitment”;

7 (iv) by inserting “or reentry” after
8 “obtained for a launch”;

9 (v) by inserting “, reentry site,” after
10 “access to a launch site”;

11 (vi) by inserting “, or services related
12 to a reentry,” after “amount for launch
13 services”; and

14 (vii) by inserting “or reentry” after
15 “the scheduled launch”; and

16 (C) in subsection (c), by inserting “or re-
17 entry” after “prompt launching”;

18 (10) in section 70110—

19 (A) by inserting “or reentry” after “prevent
20 the launch” in subsection (a)(2); and

21 (B) by inserting “or reentry site, or reentry
22 of a reentry vehicle,” after “operation of a
23 launch site” in subsection (a)(3)(B);

24 (11) in section 70111—

1 (A) by inserting “or reentry” after
2 “launch” in subsection (a)(1)(A);

3 (B) by inserting “and reentry services”
4 after “launch services” in subsection (a)(1)(B);

5 (C) by inserting “or reentry services” after
6 “or launch services” in subsection (a)(2);

7 (D) by inserting “or reentry” after “com-
8 mercial launch” both places it appears in sub-
9 section (b)(1);

10 (E) by inserting “or reentry services” after
11 “launch services” in subsection (b)(2)(C);

12 (F) by striking “or its payload for launch”
13 in subsection (d) and inserting in lieu thereof
14 “or reentry vehicle, or the payload of either, for
15 launch or reentry”; and

16 (G) by inserting “, reentry vehicle,” after
17 “manufacturer of the launch vehicle” in sub-
18 section (d);

19 (12) in section 70112—

20 (A) by inserting “or reentry” after “one
21 launch” in subsection (a)(3);

22 (B) by inserting “or reentry services” after
23 “launch services” in subsection (a)(4);

1 (C) by inserting “or reentry services” after
 2 “launch services” each place it appears in sub-
 3 section (b);

4 (D) by inserting “applicable” after “carried
 5 out under the” in paragraphs (1) and (2) of sub-
 6 section (b);

7 (E) by inserting “OR REENTRIES” after
 8 “LAUNCHES” in the heading for subsection (e);
 9 and

10 (F) by inserting “or reentry site or a re-
 11 entry” after “launch site” in subsection (e);

12 (13) in section 70113 (a)(1) and (d) (1) and (2),
 13 by inserting “or reentry” after “one launch” each
 14 place it appears;

15 (14) in section 70115(b)(1)(D)(i)—

16 (A) by inserting “reentry site,” after
 17 “launch site,”; and

18 (B) by inserting “or reentry vehicle” after
 19 “launch vehicle” both places it appears; and

20 (15) in section 70117—

21 (A) by inserting “or reentry site, or to reen-
 22 ter a reentry vehicle” after “operate a launch
 23 site” in subsection (a);

24 (B) by inserting “or reentry” after “ap-
 25 proval of a space launch” in subsection (d);

1 (C) by amending subsection (f) to read as
2 follows:

3 “(f) *LAUNCH NOT AN EXPORT; REENTRY NOT AN IM-*
4 *PORT.—A launch vehicle, reentry vehicle, or payload that*
5 *is launched or reentered is not, because of the launch or*
6 *reentry, an export or import, respectively, for purposes of*
7 *a law controlling exports or imports.”; and*

8 (D) in subsection (g)—

9 (i) by striking “operation of a launch
10 vehicle or launch site,” in paragraph (1)
11 and inserting in lieu thereof “reentry, oper-
12 ation of a launch vehicle or reentry vehicle,
13 or operation of a launch site or reentry
14 site,”; and

15 (ii) by inserting “reentry,” after
16 “launch,” in paragraph (2).

17 (b) *ADDITIONAL AMENDMENTS.—(1) Section 70105 of*
18 *title 49, United States Code, is amended—*

19 (A) by inserting “(1)” before “A person may
20 apply” in subsection (a);

21 (B) by striking “receiving an application” both
22 places it appears in subsection (a) and inserting in
23 lieu thereof “accepting an application in accordance
24 with criteria established pursuant to subsection
25 (b)(2)(D)”;

1 (C) by adding at the end of subsection (a) the
2 following new paragraph:

3 “(2) In carrying out paragraph (1), the Secretary may
4 establish procedures for certification of the safety of a
5 launch vehicle, reentry vehicle, or safety system, procedure,
6 service, or personnel that may be used in conducting li-
7 censed commercial space launch or reentry activities.”;

8 (D) by striking “and” at the end of subsection
9 (b)(2)(B);

10 (E) by striking the period at the end of sub-
11 section (b)(2)(C) and inserting in lieu thereof
12 “; and”;

13 (F) by adding at the end of subsection (b)(2) the
14 following new subparagraph:

15 “(D) regulations establishing criteria for accept-
16 ing or rejecting an application for a license under
17 this chapter within 60 days after receipt of such ap-
18 plication.”; and

19 (G) by inserting “, or the requirement to obtain
20 a license,” after “waive a requirement” in subsection
21 (b)(3).

22 (2) The amendment made by paragraph (1)(B) shall
23 take effect upon the effective date of final regulations issued
24 pursuant to section 70105(b)(2)(D) of title 49, United

1 *States Code, as added by paragraph (1)(F) of this sub-*
 2 *section.*

3 (3) *Section 70102(5) of title 49, United States Code,*
 4 *is amended—*

5 (A) *by redesignating subparagraphs (A) and (B)*
 6 *as subparagraphs (B) and (C), respectively; and*

7 (B) *by inserting before subparagraph (B), as so*
 8 *redesignated by subparagraph (A) of this paragraph,*
 9 *the following new subparagraph:*

10 “(A) *activities directly related to the prepa-*
 11 *ration of a launch site or payload facility for*
 12 *one or more launches;”.*

13 (4) *Section 70103(b) of title 49, United States Code,*
 14 *is amended—*

15 (A) *in the subsection heading, as amended by*
 16 *subsection (a)(4)(A) of this section, by inserting “AND*
 17 *STATE SPONSORED SPACEPORTS” after “AND REEN-*
 18 *TRIES”; and*

19 (B) *in paragraph (1), by inserting “and State*
 20 *sponsored spaceports” after “private sector”.*

21 (5) *Section 70105(a)(1) of title 49, United States Code,*
 22 *as amended by subsection (b)(1) of this section, is amended*
 23 *by inserting at the end the following: “The Secretary shall*
 24 *submit to the Committee on Science of the House of Rep-*
 25 *resentatives and the Committee on Commerce, Science, and*

1 *Transportation of the Senate a written notice not later than*
 2 *7 days after any occurrence when a license is not issued*
 3 *within the deadline established by this subsection.”.*

4 (6) *Section 70111 of title 49, United States Code, is*
 5 *amended—*

6 (A) *in subsection (a)(1), by inserting after sub-*
 7 *paragraph (B) the following:*

8 *“The Secretary shall establish criteria and procedures for*
 9 *determining the priority of competing requests from the pri-*
 10 *vate sector and State governments for property and services*
 11 *under this section.”;*

12 (B) *by striking “actual costs” in subsection*
 13 *(b)(1) and inserting in lieu thereof “additive costs*
 14 *only”; and*

15 (C) *by inserting after subsection (b)(2) the fol-*
 16 *lowing new paragraph:*

17 *“(3) The Secretary shall ensure the establishment of*
 18 *uniform guidelines for, and consistent implementation of,*
 19 *this section by all Federal agencies.”.*

20 (7) *Section 70112 of title 49, United States Code, is*
 21 *amended—*

22 (A) *in subsection (a)(1), by inserting “launch,*
 23 *reentry, or site operator” after “(1) When a”;*

24 (B) *in subsection (b)(1), by inserting “launch,*
 25 *reentry, or site operator” after “(1) A”; and*

1 (C) in subsection (f), by inserting “launch, re-
2 entry, or site operator” after “carried out under a”.

3 (c) *REGULATIONS.*—(1) Chapter 701 of title 49, Unit-
4 ed States Code, is amended by adding at the end the follow-
5 ing new section:

6 **“§ 70120. Regulations**

7 “The Secretary of Transportation, within 6 months
8 after the date of the enactment of this section, shall issue
9 regulations to carry out this chapter that include—

10 “(1) guidelines for industry to obtain sufficient
11 insurance coverage for potential damages to third
12 parties;

13 “(2) procedures for requesting and obtaining li-
14 censes to operate a commercial launch vehicle and re-
15 entry vehicle;

16 “(3) procedures for requesting and obtaining op-
17 erator licenses for launch and reentry; and

18 “(4) procedures for the application of govern-
19 ment indemnification.”.

20 (2) The table of sections for such chapter 701 is amend-
21 ed by adding after the item relating to section 70119 the
22 following new item:

 “70120. Regulations.”.

23 (d) *REPORT TO CONGRESS.*—(1) Chapter 701 of title
24 49, United States Code, is further amended by adding at
25 the end the following new section:

1 **“§ 70121. Report to Congress**

2 *“The Secretary of Transportation shall submit to Con-*
 3 *gress an annual report to accompany the President’s budget*
 4 *request that—*

5 *“(1) describes all activities undertaken under*
 6 *this chapter, including a description of the process for*
 7 *the application for and approval of licenses under*
 8 *this chapter and recommendations for legislation that*
 9 *may further commercial launches and reentries; and*

10 *“(2) reviews the performance of the regulatory*
 11 *activities and the effectiveness of the Office of Com-*
 12 *mercial Space Transportation.”.*

13 *(2) The table of sections for such chapter 701 is further*
 14 *amended by adding after the item relating to section 70120,*
 15 *as added by subsection (c)(2) of this section, the following*
 16 *new item:*

“70121. Report to Congress.”.

17 **SEC. 302. REQUIREMENT FOR INDEPENDENT COST ANALY-**
 18 **SIS.**

19 *Before any funds may be obligated for Phase C of a*
 20 *project that is projected to cost more than \$75,000,000 in*
 21 *total project costs, the Chief Financial Officer for the Na-*
 22 *tional Aeronautics and Space Administration shall conduct*
 23 *an independent cost analysis of such project and shall re-*
 24 *port the results to Congress. In developing cost accounting*
 25 *and reporting standards for carrying out this section, the*

1 *Chief Financial Officer shall, to the extent practicable and*
2 *consistent with other laws, solicit the advice of expertise out-*
3 *side of the National Aeronautics and Space Administration.*

4 **SEC. 303. OFFICE OF SPACE COMMERCE.**

5 *(a) ESTABLISHMENT.—There is established within the*
6 *Department of Commerce an Office of Space Commerce.*

7 *(b) FUNCTIONS.—The Office of Space Commerce shall*
8 *be the principal unit for the coordination of space-related*
9 *issues, programs, and initiatives within the Department of*
10 *Commerce. The Office’s primary responsibilities shall in-*
11 *clude—*

12 *(1) promoting commercial provider investment*
13 *in space activities by collecting, analyzing, and dis-*
14 *seminating information on space markets, and con-*
15 *ducting workshops and seminars to increase aware-*
16 *ness of commercial space opportunities;*

17 *(2) assisting United States commercial providers*
18 *in their efforts to do business with the United States*
19 *Government, and acting as an industry advocate*
20 *within the executive branch to ensure that the Federal*
21 *Government meets its space-related requirement, to*
22 *the fullest extent feasible, with commercially available*
23 *space goods and services;*

24 *(3) ensuring that the United States Government*
25 *does not compete with United States commercial pro-*

1 *viders in the provision of space hardware and services*
 2 *otherwise available from United States commercial*
 3 *providers;*

4 *(4) promoting the export of space-related goods*
 5 *and services;*

6 *(5) representing the Department of Commerce in*
 7 *the development of United States policies and in ne-*
 8 *gotiations with foreign countries to ensure free and*
 9 *fair trade internationally in the area of space com-*
 10 *merce; and*

11 *(6) seeking the removal of legal, policy, and in-*
 12 *stitutional impediments to space commerce.*

13 **SEC. 304. NATIONAL AERONAUTICS AND SPACE ACT OF 1958**

14 **AMENDMENTS.**

15 *(a) DECLARATION OF POLICY AND PURPOSE.—Section*
 16 *102 of the National Aeronautics and Space Act of 1958 (42*
 17 *U.S.C. 2451) is amended—*

18 *(1) by striking subsection (f) and redesignating*
 19 *subsections (g) and (h) as subsections (f) and (g), re-*
 20 *spectively; and*

21 *(2) in subsection (g), as so redesignated by para-*
 22 *graph (1) of this subsection, by striking “(f), and (g)”*
 23 *and inserting in lieu thereof “and (f)”.*

1 (b) *REPORTS TO THE CONGRESS*.—Section 206(a) of
 2 the *National Aeronautics and Space Act of 1958* (42 U.S.C.
 3 2476(a)) is amended—

4 (1) by striking “January” and inserting in lieu
 5 thereof “May”; and

6 (2) by striking “calendar” and inserting in lieu
 7 thereof “fiscal”.

8 (c) *DISCLOSURE OF TECHNICAL DATA*.—Section 303
 9 of the *National Aeronautics and Space Act of 1958* (42
 10 U.S.C. 2454) is amended—

11 (1) in subsection (a)(C), by inserting “or (c)”
 12 after “subsection (b)”; and

13 (2) by adding at the end the following new sub-
 14 section:

15 “(c)(1) *The Administrator may, and at the request of*
 16 *a private sector entity shall, delay for a period of at least*
 17 *one day, but not to exceed 5 years, the unrestricted public*
 18 *disclosure of technical data in the possession of, or under*
 19 *the control of, the Administration that has been generated*
 20 *in the performance of experimental, developmental, or re-*
 21 *search activities or programs funded jointly by the Admin-*
 22 *istration and such private sector entity.*

23 “(2) *Within 1 year after the date of the enactment of*
 24 *the Civilian Space Authorization Act, Fiscal Years 1998*
 25 *and 1999, the Administrator shall issue regulations to carry*

1 *out this subsection. Paragraph (1) shall not take effect until*
2 *such regulations are issued.*

3 “(3) *Regulations issued pursuant to paragraph (2)*
4 *shall include—*

5 “(A) *guidelines for a determination of whether*
6 *data is technical data within the meaning of this sub-*
7 *section;*

8 “(B) *provisions to ensure that technical data is*
9 *available for dissemination within the United States*
10 *to United States persons and entities in furtherance*
11 *of the objective of maintaining leadership or competi-*
12 *tiveness in civil and governmental aeronautical and*
13 *space activities by the United States industrial base;*
14 *and*

15 “(C) *a specification of the period or periods for*
16 *which the delay in unrestricted public disclosure of*
17 *technical data is to apply to various categories of*
18 *such data, and the restrictions on disclosure of such*
19 *data during such period or periods, including a re-*
20 *quirement that the maximum 5-year protection under*
21 *this subsection shall not be provided unless at least 50*
22 *percent of the funding for the activities or programs*
23 *is provided by the private sector.*

24 “(4) *The Administrator shall annually report to the*
25 *Congress all determinations made under paragraph (1).*

1 “(5) *For purposes of this subsection, the term ‘tech-*
 2 *nical data’ means any recorded information, including*
 3 *computer software, that is or may be directly applicable*
 4 *to the design, engineering, development, production, manu-*
 5 *facture, or operation of products or processes that may have*
 6 *significant value in maintaining leadership or competitive-*
 7 *ness in civil and governmental aeronautical and space ac-*
 8 *tivities by the United States industrial base.’”.*

9 **SEC. 305. PROCUREMENT.**

10 (a) *PROCUREMENT DEMONSTRATION PROGRAM.—*

11 (1) *IN GENERAL.—The Administrator shall es-*
 12 *tablish a program of expedited technology procure-*
 13 *ment for the purpose of demonstrating how innovative*
 14 *technology concepts can rapidly be brought to bear*
 15 *upon space missions of the National Aeronautics and*
 16 *Space Administration.*

17 (2) *PROCEDURES AND EVALUATION.—The Ad-*
 18 *ministrator shall establish procedures for actively*
 19 *seeking from persons outside the National Aeronautics*
 20 *and Space Administration innovative technology con-*
 21 *cepts, relating to the provision of space hardware,*
 22 *technology, or service to the National Aeronautics and*
 23 *Space Administration.*

24 (3) *SPECIAL AUTHORITY.—In order to carry out*
 25 *this subsection the Administrator shall recruit and*

1 *hire for limited term appointments persons from out-*
 2 *side the National Aeronautics and Space Administra-*
 3 *tion with special expertise and experience related to*
 4 *the innovative technology concepts with respect to*
 5 *which procurements are made under this subsection.*

6 (4) *SUNSET.*—*This subsection shall cease to be*
 7 *effective 10 years after the date of its enactment.*

8 (b) *TECHNOLOGY PROCUREMENT INITIATIVE.*—

9 (1) *IN GENERAL.*—*The Administrator shall co-*
 10 *ordinate National Aeronautics and Space Adminis-*
 11 *tration resources in the areas of procurement, com-*
 12 *mercial programs, and advanced technology in order*
 13 *to—*

14 (A) *fairly assess and procure commercially*
 15 *available technology from the marketplace in the*
 16 *most efficient manner practicable;*

17 (B) *achieve a continuous pattern of inte-*
 18 *grating advanced technology from the commer-*
 19 *cial sector, and from Federal sources outside the*
 20 *National Aeronautics and Space Administration,*
 21 *into the missions and programs of the National*
 22 *Aeronautics and Space Administration;*

23 (C) *incorporate private sector buying and*
 24 *bidding procedures, including fixed price con-*
 25 *tracts, into procurements; and*

1 (D) provide incentives for cost-plus contrac-
2 tors of the National Aeronautics and Space Ad-
3 ministration to integrate commercially available
4 technology in subsystem contracts on a fixed-
5 price basis.

6 (2) CERTIFICATION.—Upon solicitation of any
7 procurement for space hardware, technology, or serv-
8 ices that are not commercially available, the Adminis-
9 trator shall certify, by publication of a notice and op-
10 portunity to comment in the Commerce Business
11 Daily, for each such procurement action, that no
12 functional equivalent, commercially, available space
13 hardware, technology, or service exists and that no
14 commercial method of procurement is available.

15 **SEC. 306. ACQUISITION OF SPACE SCIENCE DATA.**

16 (a) ACQUISITION FROM COMMERCIAL PROVIDERS.—
17 The Administrator shall, to the maximum extent possible
18 and while satisfying the scientific requirements of the Na-
19 tional Aeronautics and Space Administration, acquire,
20 where cost effective, space science data from a commercial
21 provider.

22 (b) TREATMENT OF SPACE SCIENCE DATA AS COM-
23 MERCIAL ITEM UNDER ACQUISITION LAWS.—Acquisitions
24 of space science data by the Administrator shall be carried
25 out in accordance with applicable acquisition laws and reg-

1 *ulations (including chapters 137 and 140 of title 10, United*
 2 *States Code), except that space science data shall be consid-*
 3 *ered to be a commercial item for purposes of such laws and*
 4 *regulations (including section 2306a of title 10, United*
 5 *States Code (relating to cost or pricing data), section 2320*
 6 *of such title (relating to rights in technical data) and sec-*
 7 *tion 2321 of such title (relating to validation of proprietary*
 8 *data restrictions)).*

9 (c) *DEFINITION.*—*For purposes of this section, the*
 10 *term “space science data” includes scientific data concern-*
 11 *ing the elemental and mineralogical resources of the moon*
 12 *and the planets, Earth environmental data obtained*
 13 *through remote sensing observations, and solar storm mon-*
 14 *itoring.*

15 (d) *SAFETY STANDARDS.*—*Nothing in this section*
 16 *shall be construed to prohibit the Federal Government from*
 17 *requiring compliance with applicable safety standards.*

18 (e) *LIMITATION.*—*This section does not authorize the*
 19 *National Aeronautics and Space Administration to provide*
 20 *financial assistance for the development of commercial sys-*
 21 *tems for the collection of space science data.*

22 **SEC. 307. COMMERCIAL SPACE GOODS AND SERVICES.**

23 *The National Aeronautics and Space Administration*
 24 *shall purchase commercially available space goods and serv-*
 25 *ices to the fullest extent feasible, and shall not conduct ac-*

1 *tivities that preclude or deter commercial space activities*
 2 *except for reasons of national security or public safety. A*
 3 *space good or service shall be deemed commercially avail-*
 4 *able if it is offered by a United States commercial provider,*
 5 *or if it could be supplied by a United States commercial*
 6 *provider in response to a Government procurement request.*
 7 *For purposes of this section, a purchase is feasible if it*
 8 *meets mission requirements in a cost-effective manner.*

9 **SEC. 308. ACQUISITION OF EARTH SCIENCE DATA.**

10 *(a) ACQUISITION.—For purposes of meeting Govern-*
 11 *ment goals for Mission to Planet Earth, the Administrator*
 12 *shall, to the maximum extent possible and while satisfying*
 13 *the scientific requirements of the National Aeronautics and*
 14 *Space Administration, acquire, where cost-effective, space-*
 15 *based and airborne Earth remote sensing data, services, dis-*
 16 *tribution, and applications from a commercial provider.*

17 *(b) TREATMENT AS COMMERCIAL ITEM UNDER ACQUI-*
 18 *SITION LAWS.—Acquisitions by the Administrator of the*
 19 *data, services, distribution, and applications referred to in*
 20 *subsection (a) shall be carried out in accordance with appli-*
 21 *cable acquisition laws and regulations (including chapters*
 22 *137 and 140 of title 10, United States Code), except that*
 23 *such data, services, distribution, and applications shall be*
 24 *considered to be a commercial item for purposes of such*
 25 *laws and regulations (including section 2306a of title 10,*

1 *United States Code (relating to cost or pricing data), sec-*
2 *tion 2320 of such title (relating to rights in technical data)*
3 *and section 2321 of such title (relating to validation of pro-*
4 *prietary data restrictions)).*

5 (c) *STUDY.*—(1) *The Administrator shall conduct a*
6 *study to determine the extent to which the baseline scientific*
7 *requirements of Mission to Planet Earth can be met by com-*
8 *mercial providers, and how the National Aeronautics and*
9 *Space Administration will meet such requirements which*
10 *cannot be met by commercial providers.*

11 (2) *The study conducted under this subsection shall—*

12 (A) *make recommendations to promote the avail-*
13 *ability of information from the National Aeronautics*
14 *and Space Administration to commercial providers to*
15 *enable commercial providers to better meet the base-*
16 *line scientific requirements of Mission to Planet*
17 *Earth;*

18 (B) *make recommendations to promote the dis-*
19 *semination to commercial providers of information on*
20 *advanced technology research and development per-*
21 *formed by or for the National Aeronautics and Space*
22 *Administration; and*

23 (C) *identify policy, regulatory, and legislative*
24 *barriers to the implementation of the recommenda-*
25 *tions made under this subsection.*

1 (3) *The results of the study conducted under this sub-*
 2 *section shall be transmitted to the Congress within 6 months*
 3 *after the date of the enactment of this Act.*

4 (d) *SAFETY STANDARDS.—Nothing in this section*
 5 *shall be construed to prohibit the Federal Government from*
 6 *requiring compliance with applicable safety standards.*

7 (e) *ADMINISTRATION AND EXECUTION.—This section*
 8 *shall be carried out as part of the Commercial Remote Sens-*
 9 *ing Program at the Stennis Space Center.*

10 **SEC. 309. EOSDIS REPORT.**

11 *Not later than 90 days after the date of the enactment*
 12 *of this Act, the Administrator shall transmit to the Commit-*
 13 *tee on Science of the House of Representatives and the Com-*
 14 *mittee on Commerce, Science, and Transportation of the*
 15 *Senate a report which contains—*

16 (1) *an analysis of the scientific capabilities,*
 17 *costs, and schedule of the Earth Observing System*
 18 *Data and Information System (EOSDIS);*

19 (2) *an identification and analysis of the threats*
 20 *to the success of the EOSDIS Core System; and*

21 (3) *a plan and cost estimates for resolving the*
 22 *threats identified under paragraph (2) to the*
 23 *EOSDIS Core System before the launch of the Earth*
 24 *Observing System satellite known as PM-1.*

1 **SEC. 310. SHUTTLE PRIVATIZATION.**

2 (a) *POLICY AND PREPARATION.*—*The Administrator*
3 *shall prepare for an orderly transition from the Federal op-*
4 *eration, or Federal management of contracted operation, of*
5 *space transportation systems to the Federal purchase of*
6 *commercial space transportation services for all non-*
7 *emergency launch requirements, including human, cargo,*
8 *and mixed payloads. In those preparations, the Adminis-*
9 *trator shall take into account the need for short-term econo-*
10 *mies, as well as the goal of restoring the National Aero-*
11 *nautics and Space Administration’s research focus and its*
12 *mandate to promote the fullest possible commercial use of*
13 *space. As part of those preparations, the Administrator*
14 *shall plan for the potential privatization of the Space Shut-*
15 *tle program. Such plan shall keep safety and cost effective-*
16 *ness as high priorities. Nothing in this section shall prohibit*
17 *the National Aeronautics and Space Administration from*
18 *studying, designing, developing, or funding upgrades or*
19 *modifications essential to the safe and economical operation*
20 *of the Space Shuttle fleet.*

21 (b) *FEASIBILITY STUDY.*—*The Administrator shall*
22 *conduct a study of the feasibility of implementing the rec-*
23 *ommendation of the Independent Shuttle Management Re-*
24 *view Team that the National Aeronautics and Space Ad-*
25 *ministration transition toward the privatization of the*
26 *Space Shuttle. The study shall identify, discuss, and, where*

1 possible, present options for resolving, the major policy and
2 legal issues that must be addressed before the Space Shuttle
3 is privatized, including—

4 (1) whether the Federal Government or the Space
5 Shuttle contractor should own the Space Shuttle or-
6 biters and ground facilities;

7 (2) whether the Federal Government should in-
8 demnify the contractor for any third party liability
9 arising from Space Shuttle operations, and, if so,
10 under what terms and conditions;

11 (3) whether payloads other than National Aero-
12 nautics and Space Administration payloads should be
13 allowed to be launched on the Space Shuttle, how mis-
14 sions will be prioritized, and who will decide which
15 mission flies and when;

16 (4) whether commercial payloads should be al-
17 lowed to be launched on the Space Shuttle and wheth-
18 er any classes of payloads should be made ineligible
19 for launch consideration;

20 (5) whether National Aeronautics and Space Ad-
21 ministration and other Federal Government payloads
22 should have priority over non-Federal payloads in the
23 Space Shuttle launch assignments, and what policies
24 should be developed to prioritize among payloads gen-
25 erally;

1 (6) *whether the public interest requires that cer-*
 2 *tain Space Shuttle functions continue to be performed*
 3 *by the Federal Government; and*

4 (7) *how much cost savings, if any, will be gen-*
 5 *erated by privatization of the Space Shuttle.*

6 (c) *REPORT TO CONGRESS.*—*Within 60 days after the*
 7 *date of the enactment of this Act, the National Aeronautics*
 8 *and Space Administration shall complete the study re-*
 9 *quired under subsection (b) and shall submit a report on*
 10 *the study to the Committee on Commerce, Science, and*
 11 *Transportation of the Senate and the Committee on Science*
 12 *of the House of Representatives.*

13 **SEC. 311. LAUNCH VOUCHER DEMONSTRATION PROGRAM**
 14 **AMENDMENTS.**

15 Section 504 of the National Aeronautics and Space
 16 Administration Authorization Act, Fiscal Year 1993 (15
 17 U.S.C. 5803) is amended—

18 (1) *in subsection (a)—*

19 (A) *by striking “the Office of Commercial*
 20 *Programs within”; and*

21 (B) *by striking “Such program shall not be*
 22 *effective after September 30, 1995.”;*

23 (2) *by striking subsection (c); and*

24 (3) *by redesignating subsections (d) and (e) as*
 25 *subsections (c) and (d), respectively.*

1 **SEC. 312. USE OF ABANDONED AND UNDERUTILIZED BUILD-**
2 **INGS, GROUNDS, AND FACILITIES.**

3 (a) *IN GENERAL.*—*In meeting the needs of the Na-*
4 *tional Aeronautics and Space Administration for addi-*
5 *tional facilities, the Administrator, whenever feasible, shall*
6 *select abandoned and underutilized buildings, grounds, and*
7 *facilities in depressed communities that can be converted*
8 *to National Aeronautics and Space Administration facili-*
9 *ties at a reasonable cost, as determined by the Adminis-*
10 *trator.*

11 (b) *DEFINITIONS.*—*For purposes of this section, the*
12 *term “depressed communities” means rural and urban com-*
13 *munities that are relatively depressed, in terms of age of*
14 *housing, extent of poverty, growth of per capita income, ex-*
15 *tent of unemployment, job lag, or surplus labor.*

16 **SEC. 313. COST EFFECTIVENESS CALCULATIONS.**

17 *In calculating the cost effectiveness of the cost of the*
18 *National Aeronautics and Space Administration engaging*
19 *in an activity as compared to a commercial provider, the*
20 *Administrator shall compare the cost of the National Aero-*
21 *nautics and Space Administration engaging in the activity*
22 *using full cost accounting principles with the price the com-*
23 *mercial provider will charge for such activity.*

24 **SEC. 314. FOREIGN CONTRACT LIMITATION.**

25 *The National Aeronautics and Space Administration*
26 *shall not enter into any agreement or contract with a for-*

1 *eign government that grants the foreign government the*
 2 *right to recover profit in the event that the agreement or*
 3 *contract is terminated.*

4 **SEC. 315. AUTHORITY TO REDUCE OR SUSPEND CONTRACT**
 5 **PAYMENTS BASED ON SUBSTANTIAL EVI-**
 6 **DENCE OF FRAUD.**

7 *Section 2307(h)(8) of title 10, United States Code, is*
 8 *amended by striking “and (4)” and inserting in lieu thereof*
 9 *“(4), and (6)”.*

10 **SEC. 316. NEXT GENERATION INTERNET.**

11 *None of the funds authorized by this Act, or any other*
 12 *Act enacted before the date of the enactment of this Act,*
 13 *may be used for the Next Generation Internet. Notwith-*
 14 *standing the previous sentence, funds may be used for the*
 15 *continuation of programs and activities that were funded*
 16 *and carried out during fiscal year 1997.*

17 **SEC. 317. LIMITATIONS.**

18 *(a) PROHIBITION OF LOBBYING ACTIVITIES.—None of*
 19 *the funds authorized by this Act and the amendments made*
 20 *by this Act shall be available for any activity whose purpose*
 21 *is to influence legislation pending before the Congress, ex-*
 22 *cept that this subsection shall not prevent officers or em-*
 23 *ployees of the United States or of its departments or agen-*
 24 *cies from communicating to Members of Congress on the re-*
 25 *quest of any Member or to Congress, through the proper*

1 *channels, requests for legislation or appropriations which*
2 *they deem necessary for the efficient conduct of the public*
3 *business.*

4 (b) *LIMITATION ON APPROPRIATIONS.—No sums are*
5 *authorized to be appropriated to the Administrator for fis-*
6 *cal years 1998 and 1999 for the activities for which sums*
7 *are authorized by this Act and the amendments made by*
8 *this Act, unless such sums are specifically authorized to be*
9 *appropriated by this Act or the amendments made by this*
10 *Act.*

11 (c) *ELIGIBILITY FOR AWARDS.—*

12 (1) *IN GENERAL.—The Administrator shall ex-*
13 *clude from consideration for grant agreements made*
14 *by the National Aeronautics and Space Administra-*
15 *tion after fiscal year 1997 any person who received*
16 *funds, other than those described in paragraph (2),*
17 *appropriated for a fiscal year after fiscal year 1997,*
18 *under a grant agreement from any Federal funding*
19 *source for a project that was not subjected to a com-*
20 *petitive, merit-based award process. Any exclusion*
21 *from consideration pursuant to this subsection shall*
22 *be effective for a period of 5 years after the person re-*
23 *ceives such Federal funds.*

24 (2) *EXCEPTION.—Paragraph (1) shall not apply*
25 *to the receipt of Federal funds by a person due to the*

1 *membership of that person in a class specified by law*
2 *for which assistance is awarded to members of the*
3 *class according to a formula provided by law.*

4 (3) *DEFINITION.—For purposes of this sub-*
5 *section, the term “grant agreement” means a legal in-*
6 *strument whose principal purpose is to transfer a*
7 *thing of value to the recipient to carry out a public*
8 *purpose of support or stimulation authorized by a*
9 *law of the United States, and does not include the ac-*
10 *quisition (by purchase, lease, or barter) of property or*
11 *services for the direct benefit or use of the United*
12 *States Government. Such term does not include a co-*
13 *operative agreement (as such term is used in section*
14 *6305 of title 31, United States Code) or a cooperative*
15 *research and development agreement (as such term is*
16 *defined in section 12(d)(1) of the Stevenson-Wydler*
17 *Technology Innovation Act of 1980 (15 U.S.C.*
18 *3710a(d)(1))).*

19 **SEC. 318. NOTICE.**

20 (a) *NOTICE OF REPROGRAMMING.—If any funds au-*
21 *thorized by this Act or the amendments made by this Act*
22 *are subject to a reprogramming action that requires notice*
23 *to be provided to the Appropriations Committees of the*
24 *House of Representatives and the Senate, notice of such ac-*
25 *tion shall concurrently be provided to the Committee on*

1 *Science of the House of Representatives and the Committee*
 2 *on Commerce, Science, and Transportation of the Senate.*

3 (b) *NOTICE OF REORGANIZATION.*—*The Administrator*
 4 *shall provide notice to the Committees on Science and Ap-*
 5 *propriations of the House of Representatives, and the Com-*
 6 *mittees on Commerce, Science, and Transportation and Ap-*
 7 *propriations of the Senate, not later than 15 days before*
 8 *any major reorganization of any program, project, or activ-*
 9 *ity of the National Aeronautics and Space Administration.*

10 **SEC. 319. SENSE OF CONGRESS ON THE YEAR 2000 PROB-**
 11 **LEM.**

12 *With the year 2000 fast approaching, it is the sense*
 13 *of Congress that the National Aeronautics and Space Ad-*
 14 *ministration should—*

15 (1) *give high priority to correcting all 2-digit*
 16 *date-related problems in its computer systems to en-*
 17 *sure that those systems continue to operate effectively*
 18 *in the year 2000 and beyond;*

19 (2) *assess immediately the extent of the risk to*
 20 *the operations of the National Aeronautics and Space*
 21 *Administration posed by the problems referred to in*
 22 *paragraph (1), and plan and budget for achieving*
 23 *Year 2000 compliance for all of its mission-critical*
 24 *systems; and*

1 (3) *develop contingency plans for those systems*
2 *that the National Aeronautics and Space Administra-*
3 *tion is unable to correct in time.*

4 **SEC. 320. NATIONAL OCEANOGRAPHIC PARTNERSHIP PRO-**
5 **GRAM.**

6 *The National Aeronautics and Space Administration*
7 *is authorized to participate in the National Oceanic Part-*
8 *nership Program established by the National Oceanic Part-*
9 *nership Act (Public Law 104–201).*

10 **SEC. 321. NATIONAL SCIENCE FOUNDATION ANTARCTIC**
11 **PROGRAM.**

12 *If the Administrator determines that excess capacity*
13 *is available on the Tracking Data Relay Satellite System*
14 *(TDRSS), the Administrator shall give strong consideration*
15 *to meeting the needs of the National Science Foundation*
16 *Antarctic Program.*

17 **SEC. 322. BUY AMERICAN.**

18 (a) *COMPLIANCE WITH BUY AMERICAN ACT.—No*
19 *funds appropriated pursuant to this Act or the amendments*
20 *made by this Act may be expended by an entity unless the*
21 *entity agrees that in expending the assistance the entity will*
22 *comply with sections 2 through 4 of the Act of March 3,*
23 *1933 (41 U.S.C. 10a–10c, popularly known as the “Buy*
24 *American Act”).*

1 (b) *SENSE OF CONGRESS.*—*In the case of any equip-*
2 *ment or products that may be authorized to be purchased*
3 *with financial assistance provided under this Act or the*
4 *amendments made by this Act, it is the sense of Congress*
5 *that entities receiving such assistance should, in expending*
6 *the assistance, purchase only American-made equipment*
7 *and products.*

8 (c) *NOTICE TO RECIPIENTS OF ASSISTANCE.*—*In pro-*
9 *viding financial assistance under this Act or the amend-*
10 *ments made by this Act, the Administrator shall provide*
11 *to each recipient of the assistance a notice describing the*
12 *statement made in subsection (a) by the Congress.*